

Daily Journal

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TOP WOMEN LAWYERS

The Daily Journal's Annual List of
Leading Women Lawyers in California

Theane Evangelis

Evangelis represented the plaintiffs as part of the successful team in the landmark *Hollingsworth v. Perry* lawsuit, the first federal case to strike down a same-sex marriage ban.

And she was on the team targeting the tenure system and other public school teacher workplace laws, *Vergara v. State of California*. Evangelis and colleagues won a 2014 ruling by a Los Angeles County Superior Court judge that the challenged statutes violate the equal protection clause of the California constitution. That ruling is on appeal. "I enjoyed being a voice for children," Evangelis said. "That's why we have a judicial system — to protect those without a voice in the process."

Those cases and others she has litigated, Evangelis said, "have in common the opportunity to shape the law, in civil rights and elsewhere. I'm most proud that I'm doing now what I hoped I'd be doing when I went to law school."

Evangelis shaped the law governing design defect claims when she obtained a published opinion in 2012 from a 9th U.S. Circuit Court of Appeals panel that a manufacturer has no duty to disclose defects that may manifest post-war-

ranty absent either an affirmative misrepresentation or a safety issue. That ruling in *Wilson v. Hewlett-Packard Co.* was key to Evangelis' win in 2015 she obtained for client Yamaha Motor Co. who got dismissed all claims in a potential class action. The Yamaha lawsuit alleged that motors the company previously produced had a defect causing them to corrode and malfunction after the company's express warranties expired. Evangelis is defending the dismissal order at the 9th Circuit.

"Those were virtually the same issues as in *Wilson*," Evangelis said. "It was exciting to apply the earlier decision and get a dismissal for Yamaha. Very gratifying."

Evangelis was also co-lead partner in *Augustus v. ABM Industries*, in which a Gibson Dunn team obtained a unanimous reversal of a \$94 million judgment in a wage-and-hour class action. A state appellate panel rejected the trial court's theory it was a violation for the defendant company to require security guard employees to remain on call and carry radios during rest breaks. That ruling is before the state Supreme Court. "As an appellate lawyer, oral argument is the most exhilarating fun,"



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Practice Type: Appellate litigation

said Evangelis, who clerked for Justice Sandra Day O'Connor of the U.S. Supreme Court and for Judge Alex Kozinski at the 9th Circuit. "You end up in a conversation, directly engaging the judges." She has yet to appear before Kozinski. "I look forward to that," Evangelis said.

— John Roemer